

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	:	Bankruptcy No. 16-17027
	:	
Kimberly J. Zimmerman,	:	
	:	
	Plaintiff,	ADV. PRO. NO
	:	
v.	:	
	:	
Santander Bank, N.A.,	:	
	:	
	Defendant :	

COMPLAINT

1. This is an action brought under the Bankruptcy Code, 11 U.S.C. §101 et seq., seeking a declaration that a lien held by defendant on plaintiff's real property is void and an order directing defendants to take all action necessary to extinguish the lien.
2. Jurisdiction is conferred on this Court by U.S.C. §1334. This proceeding is a core proceeding.
3. Plaintiff's action for declaration relief is authorized by 28 U.S.C. §2201 and §2202.
4. Plaintiff, Kimberly J. Zimmerman, is the adult individual who resides at 245 South Homestead Drive, Landisville PA 17538.
5. Defendant, Santander Bank, N.A., is an Banking institution doing business in the Commonwealth of Pennsylvania that holds a third mortgage on Debtor's residence.
6. On October 4, 2016, plaintiff filed a petition for relief under Chapter 13 of the Bankruptcy Code.
7. Defendant holds a third mortgage against plaintiff's residence.
8. Defendant filed one Proof of Claim on the mortgages in the amount of \$138,911.56.
9. The fair market value of plaintiff's residence is not greater than \$242,000.00. per the attached Exhibit "A".
10. Plaintiff's residence is also subject to a first mortgage held by Ditech Financial Services, LLC in the amount of \$24,237.87 and a second mortgage to Union Community Bank in the amount of \$1,553,392.22, both of which have priority over defendant's mortgage.
11. The first and second mortgages secures debts which far exceed the fair market value of

plaintiff's residence.

12. Accordingly, the proposed Proof of Claim of Santander Bank, N.A. should be deemed allowed as an unsecured

claim pursuant to 11 U.S.C. §502.

13. Since defendant's lien is not secured by an allowed secured claim, the lien is void pursuant to 11 U.S.C. §506 (d).

RELIEF

WHEREFORE, plaintiff requests that this Court grant the following relief: (1) declare that the defendant's lien on the 245 Homestead Drive, Landisville PA 19107, is void and order defendant to take all action necessary to remove and extinguish the lien from said (2) property.

DATE: April 1, 2017

/s/ Alaine V. Grbach

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Santander Bank, N.A.,	:	
	:	
	Defendant :	
	:	
	:	

ORDER

AND NOW, this day of , 2017, upon consideration of Debtors Motion to Avoid a Lien, it is hereby ORDERED and DECREED that said Motion is GRANTED.

It is hereby DECLARED that the defendant's lien on 245 South Homestead Drive, Landisville PA 17538, , is VOID and defendant is ORDERED to take all action necessary to remove and extinguish the lien from said property.

By the Court:

Magdeline D. Coleman, B.J.

